

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>RONALD GOODE</b>  <b>v.</b>  <b>WARDEN M. FARRELL, et al.</b>	<b>CIVIL ACTION</b>  <b>NO. 13-3680</b>
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**MEMORANDUM**

**Baylson, J.**

**October 10, 2014**

In this case, petitioner has sought relief in this Court, pursuant to 28 U.S.C. § 2241, with respect to a pending state criminal prosecution for attempted murder, aggravated assault, possession of a prohibited firearm, carrying firearms without a license, and possession of an instrument of crime with intent. Although the trial was set for September 30, 2014, this Court is not aware whether the trial has actually started. The main thrust of the thorough Report and Recommendation by Judge Perkin is that the petitioner has failed to exhaust his state remedies, and therefore recommended that the petition be dismissed without prejudice. The Court has reviewed the objections filed by the petitioner (ECF 36) and also a request for preliminary injunction filed by petitioner (ECF 37). There is no indication in the record as to whether petitioner has attempted to remedy the failure to exhaust by any proceedings in state court.

Having reviewed the objections and motion for preliminary injunction, in the context of Judge Perkin's thorough Report and Recommendation, this Court finds that the Report and Recommendation is legally correct and that petition is appropriately dismissed without prejudice for failure to exhaust remedies in state court.

An appropriate Order follows.

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**ORDER**

**AND NOW**, this       day of October, 2014, for the reasons stated in the foregoing Memorandum, it is hereby **ORDERED** that the motion for preliminary injunction (ECF 37) is **DENIED**.

**BY THE COURT:**

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**MICHAEL M. BAYLSON, U.S.D.J.**